

MICHAEL RAY ROGERS,
Petitioner,

v
M MARTELL, Warden,

Respondent.

No C-10-3475 VRW (PR)

ORDER OF TRANSFER

Venue in a habeas action is proper in either the district of conviction or the district of confinement. See 28 USC § 2241(d); Habeas LR 2254-3(a). For petitions such as the one filed here,

1 which challenges the loss of time credits - ie, the manner in which
2 a sentence is being executed - the district of confinement at the
3 time the petition was filed is the preferable forum. See Habeas LR
4 2254-3(a)(2); Dunne v Henman, 875 F2d 244, 249 (9th Cir 1989)
5 (proper forum to challenge the execution of a sentence is the
6 district where prisoner is confined).

7 Because Amador County lies within the Eastern District of
8 California, pursuant to 28 USC § 1406(a) and Habeas Local Rule
9 2254-3(b)(2) and in the interest of justice, the court orders this
10 petition TRANSFERRED to the United States District Court for the
11 Eastern District of California.

12 The clerk shall terminate all pending motions as moot,
13 close the file and transfer this matter to the United States
14 District Court for the Eastern District of California.

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16 IT IS SO ORDERED.

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19 VAUGHN R WALKER
20 United States District Chief Judge
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